

## UNITED STATES DISTRICT COURT

Eastern District of Missouri

Division

Case No.

*(to be filled in by the Clerk's Office)*

The Estate of Joshua Charles Davis

*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)***-v-**

The United States of America  
 The Department of Veterans Affairs  
 The Social Security Administration  
 The Internal Revenue Service  
 The National Association for Spina Bifida  
 The Vietnam Veterans of American

*Defendant(s)**(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*Jury Trial: *(check one)* Yes No

## COMPLAINT FOR A CIVIL CASE

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	The Estate of Joshua Charles Davis
Street Address	13720 Minnette Ct.
City and County	St. Louis
State and Zip Code	Missouri 63128

Telephone Number	314-223-1861
E-mail Address	<a href="mailto:816jcdavis@gmail.com">816jcdavis@gmail.com</a>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name	The United States of America
Job or Title ( <i>if known</i> )	Department of Justice Tort Claims Devision
Street Address	990 Pennsylvania Ave
City and County	Washington District of Columbia
State and Zip Code	30530-0001
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 2

Name	Vietnam Veterans of America
Job or Title ( <i>if known</i> )	
Street Address	8719 Colesville Rd. Site 100
City and County	Sliver Springs
State and Zip Code	Maryland 20910
Telephone Number	301-585-4000
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	National Spina Bifida Association
Job or Title ( <i>if known</i> )	
Street Address	1600 Wilson Blvd. Suite 800
City and County	Arlington
State and Zip Code	Virgina 22209
Telephone Number	800-621-3141
E-mail Address ( <i>if known</i> )	

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)***II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

that List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution are at issue in this case.

18 U.S. Code § 1038 knowingly engaging in false information by the Department of Veterans Affairs: The "so called" "Rainbow Herbicides" as used in Vietnam were at the very same time openly used in Thailand: beginning around 1961 and continuing until the United States left Thailand around 1972. The 14th Amendment to the US Constitution ensuring equal protection under the law.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, \_\_\_\_\_, is a citizen of

State of *(name)* \_\_\_\_\_.

- b. If the plaintiff is a corporation

The plaintiff, \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

- a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign  
nation)

- b. If the defendant is a corporation

The defendant, (name) See attached defendant's list \_\_\_\_\_, is incorporated  
the laws of the State of (name) \_\_\_\_\_, and has its  
principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

at The amount in controversy—the amount the plaintiff claims the defendant owes or the amount  
stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The Defendant the United States of America openly used the "rainbow herbicides" in Thailand and then lied about that use for over 24 years causing needless hardship pain and suffering to the Plaintiff and contributing to his premature death from the toxic exposure. The Defendants Vietnam Veterans of America knew of the use but choose to accept the lie then when named a Stakeholder failed to offer assistance as was required as a "named stakeholder" in the Department of Veterans Affairs Spina Bifida Program established by the Congress in 1996: The Defendant The National Spina Bifida Association participated in the 2014 GAO audit of the VA spina bifida program but failed to act to make sure the VA actually did what it agreed to do/thus providing no benefit to the victims.

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

All of the defendants in concert or alone failed to offer assistance to Mr. Joshua Charles Davis throughout his life. This resulted in his being of diminished capacity due to the actions of the United States. While the United States enjoys the safety of Sovereign Immunity that was forfeit when Public Law 104-204 became thus the Congress of the United States waived the Sovereign Immunity protections and that thus became Mr. Davis' effective date for compensation. According to the law. The National Association of Spina Bifida accepted the task of a "named stakeholder" as did the Vietnam Veterans of America however neither did anything to help the victims they pledged to help.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Damages from the United States and its various agencies:	\$ 754,668.00
Damages from the Vietnam Veterans of America:	\$ 125,000.00
Damages from the National Spina Bifida Association	\$ 125,000.00
Total from all defendants	\$1,004,668.00

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address